

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

JAN 6

Case No. 5467
Date Filed 01/03/05
Hearing Date _____
Receipt _____
Fee \$450

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☒ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5467 MAP 39 TYPE Variance
ELECTION DISTRICT 04 LOCATION 2006 Hillcroft Dr., Forest Hill
BY Kenneth B. Shaw
Appealed because a variance pursuant to Sec. 267-26C (6) of the Harford County Code
to allow (2) retaining walls with columns to be located within the county road
right-of-way in the RR district requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Kenneth B. Shaw Phone Number Cell 410-977-3047
Address 2006 Hillcroft Drive Forest Hill MD 21050
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2006 Hillcroft Drive, Forest Hill, MD
21050

Subdivision Highfield Park Lot Number 30

Acreage/Lot Size .46 acre Election District _____ Zoning RR

Tax Map No. 39 Grid No. 1E Parcel 426 Water/Sewer: Private ☒ Public _____

List ALL structures on property and current use: Ranch style 3 bedroom house - 2 Bay detached garage, small shed

Estimated time required to present case: ?

If this Appeal is in reference to a Building Permit, state number NO

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☒ No _____

Is this request within one (1) mile of any incorporated town limits? Yes _____ No ☒

Request

to be able to keep existing column + retaining kneewalls @ driveway entrance

Justification

Wall on highside of driveway to stop washout of driveway (drainage starts 3 houses down from mine) there is a 14"-20" grade difference to the driveway - All water flowed down the driveway towards the house until I cut down the drive and installed the walls.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Scale:	1" = 40'
Date:	2/24/02
Field By:	DBM
Drawn By:	DBM
Drawing #	5337A

RAPID MEMO

RECEIVED

TO	2004 OCT 11	DATE	10/6/04
TOMMY HOUCK		SUBJECT	2006 HILLCROFT DR., RETAINING
PLANNING & ZONING		WALL IN RW	

AFTER A SITE VISIT, WE DETERMINED THAT THE RETAINING WALL CAN REMAIN IN THE RIGHT-OF-WAY IF THE STRUCTURE IS CONSTRUCTED WITH A BREAK-AWAY DESIGN (HOLLOW CENTER FOR PILLARS). ADDITIONALLY, THE PROPERTY OWNER SHALL ASSUME ALL LIABILITY IF ANY ACCIDENTS OCCUR INVOLVING THE STRUCTURES.

CHERYL BANIGAN
DPW ENGINEERING

JAMES M. HARKINS

HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.

DIRECTOR OF ADMINISTRATION



J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

January 21, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5467

APPLICANT/OWNER: Kenneth B. Shaw
2006 Hillcroft Drive, Forest Hill, Maryland 21050

REPRESENTATIVE: Applicant

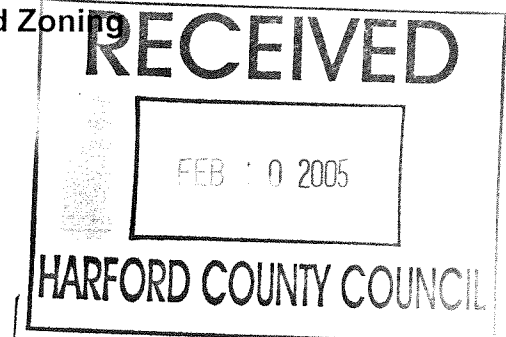
LOCATION: 2006 Hillcroft Drive – High Field Park
Tax Map: 39 / Grid: 1E / Parcel: 426 / Lot: 30
Election District: Third (3)

ACREAGE: 0.46 of an acre

ZONING: RR/Rural Residential

DATE FILED: January 03, 2005

HEARING DATE: March 02, 2005



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

“To be able to keep existing columns and retaining knee walls at driveway entrance.”

Justification:

“Wall on high side of driveway to stop washout of driveway drainage starts 3 houses down from home. There is a 14 to 20 inch grade difference to the driveway. All water flowed down the driveway towards the house until I cut down the driveway and installed the walls.”

Preserving our values, protecting our future

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Board of Appeals Case Number 5467

Kenneth Shaw

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CODE REQUIREMENTS:

The Applicant is requesting a variance pursuant to Section 267-26C(6) of the Harford County Code, to allow (2) retaining walls with columns to be located within the County road right-of-way in the RR/Rural Residential District.

Section 267-26C(6) of the Harford County Code reads:

- (6) *No accessory use or structure, except fences, shall be located within any recorded easement area.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject lot is located in the development of Highfield Park. The lot has frontage on Hillcroft Drive and backs up to the MD Route 23 right-of-way. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 1 and 2).

The subject property is located outside of the Development Envelope. The predominant land use designations in this area of the County are Agricultural and Rural Residential. The Natural Features Map reflects Sensitive species Project Review Areas, Rural Legacy Areas, Agricultural Preservation Districts and Easements and stream systems. The subject property is designated as Agricultural, which is defined by the 2004 Master Plan as:

Agricultural – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 3 and 4).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. The predominant land use is Agriculture, which includes cropland, pastureland and large areas of dense woodland. There are also several residential subdivisions located in this area of the County. The topography for this area of the County ranges from rolling to steep especially near the stream valleys. Enclosed with the report is a copy of the aerial photograph (Attachment 5).

The Applicant's property is square in shape and approximately 0.46 of an acre in size. It has frontage on Hillcroft Drive and backs up to the East-West Highway (MD Route 23). The front

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yard slopes down from right to left and from the road to the existing dwelling. The improvements consist of a single-family brick and frame rancher with a detached 2-car frame garage. At the end of the driveway the Applicant has constructed 2-stone pillars with walls. There is also a wood retaining wall that runs back to the garage along the eastern side of the driveway. The well is located in the front yard and the septic system to the rear. Enclosed with the report is a copy of the topography map, site photographs, and an enlargement of the aerial photograph (Attachments 6, 7, and 8).

Zoning:

The zoning classifications in the area are consistent with intent of the 2004 Master Plan as well as the existing land uses. The predominant zoning classification in the area is AG/Agricultural. There are also areas of RR/Rural Residential. The subject property is zoned RR/Rural Residential as shown on the enclosed copy of the zoning map (Attachment 9).

SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-26C(6) of the Harford County Code, to allow (2) retaining walls with columns to be located within the County road right-of-way in the RR/Rural Residential District.

Section 267-26C(6):

- (6) *No accessory use or structure, except fences, shall be located within any recorded easement area.*

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the applicant has not provided sufficient Justification for this request. While the grade of the property may have resulted in some drainage issues, the applicant has not demonstrated that the construction of the pillars and stone walls as constructed are the only viable solution. The drainage issue appears to be able to be handled by the small wood retaining wall. It is not clear how the large stone pillars and walls provide additional benefits in regards to water runoff. The applicant could obtain permits for the existing wood retaining wall or other walls up to the right-of-way in order to address any drainage issues without requiring a variance.

The Department of Public Works has visited the site and concluded that the structures can remain in the right-of-way, provided that the structures are constructed with a break away design

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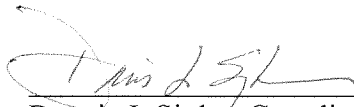
Kenneth Shaw

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(Hollow center for Pillars). Additionally, the property owner shall assume all liability if any accidents occur involving the structures (Attachment 10).

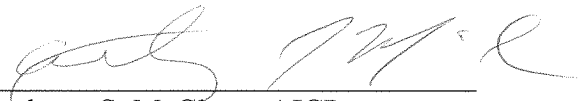
RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department recommends that the applicants request be denied.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning